IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

IN RE: LARRY E. KLAYMAN

§ N

Misc. No. 3:20-MC-043-B

Before FITZWATER, Senior District Judge, and BOYLE and O'CONNOR, District Judges.

ORDER

Respondent Larry E. Klayman, Esquire's December 23, 2022 motion to reset and reschedule

hearing is granted in part and denied in part.

The motion is granted to the extent that this matter is reset for oral argument before this

panel, via video conference, on Tuesday, February 21, 2023, at 10:00 a.m. Dallas time.

The motion is denied to the extent that Mr. Klayman requests an evidentiary hearing. Fifth

Circuit precedent clearly provides that this court is to undertake "an intrinsic consideration of the

state record." In re Dawson, 609 F.2d 1139, 1142 (5th Cir. 1980) (quoting Selling v. Radford, 243

U.S. 46, 51 (1917)). Consistent with the law of this circuit, this court has decided contested

reciprocal discipline matters after hearing oral argument and has declined to conduct evidentiary

hearings. See, e.g., In re Smith, 123 F.Supp.2d 351, 354 (N.D. Tex. 2000) (three-judge panel) (per

curiam) (holding that attorney in reciprocal discipline matter was not entitled under the Sixth

Amendment to a jury trial or a full evidentiary hearing), aff'd, 275 F.3d 42 (5th Cir. Sept. 26, 2001)

(table).

The motion is also denied to the extent Mr. Klayman requests that the panel rule on his

motion to reassign matter. Because the motion seeks to remove Judge Boyle from the panel, it is

properly addressed by her individually rather than by the entire panel.

SO ORDERED.

December 27, 2022.

FOR THE PANEL

SIDNEY A. FITZ SENIOR JUDGE